

# PCT

## INTERNATIONAL SEARCH REPORT

(PCT Article 18 and Rules 43 and 44)

Applicant's or agent's file reference <b>AA333F/JH</b>	<b>FOR FURTHER ACTION</b> see Notification of Transmittal of International Search Report (Form PCT/ISA/220) as well as, where applicable, item 5 below.	
International application No. <b>PCT/US 98/ 15852</b>	International filing date (day/month/year) <b>30/07/1998</b>	(Earliest) Priority Date (day/month/year)
Applicant <b>THE PROCTER &amp; GAMBLE COMPANY et al.</b>		

This International Search Report has been prepared by this International Searching Authority and is transmitted to the applicant according to Article 18. A copy is being transmitted to the International Bureau.

This International Search Report consists of a total of 3 sheets.

☒ It is also accompanied by a copy of each prior art document cited in this report.

### 1. Basis of the report

a. With regard to the **language**, the international search was carried out on the basis of the international application in the language in which it was filed, unless otherwise indicated under this item.

☐ the international search was carried out on the basis of a translation of the international application furnished to this Authority (Rule 23.1(b)).

b. With regard to any **nucleotide and/or amino acid sequence** disclosed in the international application, the international search was carried out on the basis of the sequence listing :

☐ contained in the international application in written form.

☐ filed together with the international application in computer readable form.

☐ furnished subsequently to this Authority in written form.

☐ furnished subsequently to this Authority in computer readable form.

☐ the statement that the subsequently furnished written sequence listing does not go beyond the disclosure in the international application as filed has been furnished.

☐ the statement that the information recorded in computer readable form is identical to the written sequence listing has been furnished

2. ☐ **Certain claims were found unsearchable** (See Box I).

3. ☐ **Unity of invention is lacking** (see Box II).

4. With regard to the **title**,

☒ the text is approved as submitted by the applicant.

☐ the text has been established by this Authority to read as follows:

5. With regard to the **abstract**,

☒ the text is approved as submitted by the applicant.

☐ the text has been established, according to Rule 38.2(b), by this Authority as it appears in Box III. The applicant may, within one month from the date of mailing of this international search report, submit comments to this Authority.

6. The figure of the **drawings** to be published with the abstract is Figure No.

☐ as suggested by the applicant.

☐ because the applicant failed to suggest a figure.

☐ because this figure better characterizes the invention.

☐ None of the figures.

## INTERNATIONAL SEARCH REPORT

International Application No

PCT/US 98/15852

**A. CLASSIFICATION OF SUBJECT MATTER**  
IPC 6 A61K7/06

According to International Patent Classification (IPC) or to both national classification and IPC

**B. FIELDS SEARCHED**

Minimum documentation searched (classification system followed by classification symbols)

IPC 6 A61K

Documentation searched other than minimum documentation to the extent that such documents are included in the fields searched

Electronic data base consulted during the international search (name of data base and, where practical, search terms used)

**C. DOCUMENTS CONSIDERED TO BE RELEVANT**

Category *	Citation of document, with indication, where appropriate, of the relevant passages	Relevant to claim No.
X	DE 30 44 754 A (L'OREAL) 19 June 1981  see claims 1,2,4,5,10,13,16 see page 20, paragraph 1 see page 24, paragraph 4 see page 25, paragraph 1 see page 26, paragraph 4 ---	1,2,4-6, 8
X	FR 2 737 660 A (L'OREAL) 14 February 1997 see claims 1,3,5,7,10,12 see page 19, line 14-21 see page 20, line 15-27 ---  -/--	1-6,8-10

☒ Further documents are listed in the continuation of box C.

☒ Patent family members are listed in annex.

## \* Special categories of cited documents :

"A" document defining the general state of the art which is not considered to be of particular relevance

"E" earlier document but published on or after the international filing date

"L" document which may throw doubts on priority claim(s) or which is cited to establish the publication date of another citation or other special reason (as specified)

"O" document referring to an oral disclosure, use, exhibition or other means

"P" document published prior to the international filing date but later than the priority date claimed

"T" later document published after the international filing date or priority date and not in conflict with the application but cited to understand the principle or theory underlying the invention

"X" document of particular relevance; the claimed invention cannot be considered novel or cannot be considered to involve an inventive step when the document is taken alone

"Y" document of particular relevance; the claimed invention cannot be considered to involve an inventive step when the document is combined with one or more other such documents, such combination being obvious to a person skilled in the art.

"&" document member of the same patent family

Date of the actual completion of the international search

27 April 1999

Date of mailing of the international search report

06/05/1999

Name and mailing address of the ISA

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Fax: (+31-70) 340-3016

Authorized officer

Peeters, J

## INTERNATIONAL SEARCH REPORT

International Application No

PCT/US 98/15852

## C.(Continuation) DOCUMENTS CONSIDERED TO BE RELEVANT

Category *	Citation of document, with indication, where appropriate, of the relevant passages	Relevant to claim No.
X	EP 0 797 979 A (L'OREAL) 1 October 1997 see claims 1-4,9 see page 3, line 54 - page 5, line 9 see page 5, line 34-51 see page 6, line 57 - page 7, line 38 see page 11, line 47 - page 12, line 17 see page 12, line 29-39 -----	1-4,9,10
X	FR 2 750 047 A (L'OREAL) 26 December 1997 see claims 1,5,10,15 see page 5, line 21 - page 7, line 37 -----	1,8,9

# INTERNATIONAL SEARCH REPORT

Information on patent family members

International Application No

PCT/US 98/15852

Patent document cited in search report		Publication date	Patent family member(s)	Publication date
DE 3044754	A	19-06-1981	FR 2486394 A	15-01-1982
			AT 378912 B	25-10-1985
			AT 580780 A	15-03-1985
			BE 886372 A	27-05-1981
			CA 1158560 A	13-12-1983
			CH 650669 A	15-08-1985
			DE 3051202 C	14-05-1992
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			DK 507680 A	29-05-1981
			GB 2088209 A, B	09-06-1982
			JP 1823923 C	10-02-1994
			JP 3021524 B	22-03-1991
			JP 56092813 A	27-07-1981
			JP 1188547 A	27-07-1989
			JP 3075526 B	02-12-1991
			NL 8006460 A	01-07-1981
			SE 461131 B	15-01-1990
			SE 8008333 A	29-05-1981
			US 4402977 A	06-09-1983
FR 2737660	A	14-02-1997	AT 162395 T	15-02-1998
			AU 682639 B	09-10-1997
			AU 6077696 A	27-02-1997
			BR 9604089 A	16-06-1998
			CA 2183098 A	12-02-1997
			CN 1145777 A	26-03-1997
			DE 69600153 D	26-02-1998
			DE 69600153 T	30-04-1998
			EP 0761199 A	12-03-1997
			ES 2115417 T	16-06-1998
			HU 9602200 A	28-04-1997
			JP 9118603 A	06-05-1997
			PL 315617 A	17-02-1997
EP 797979	A	01-10-1997	FR 2747036 A	10-10-1997
			AT 170739 T	15-09-1998
			AU 704016 B	01-04-1999
			AU 1773697 A	11-12-1997
			BR 9700517 A	03-11-1998
			CA 2201958 A	05-10-1997
			CN 1172640 A	11-02-1998
			DE 69700024 D	15-10-1998
			DE 69700024 T	28-01-1999
			ES 2124638 T	01-02-1999
			JP 10036234 A	10-02-1998
			PL 319290 A	13-10-1997
FR 2750047	A	26-12-1997	NONE	

1 A.D  
PCT

WORLD INTELLECTUAL PROPERTY ORGANIZATION  
International Bureau



INTERNATIONAL APPLICATION PUBLISHED UNDER THE PATENT COOPERATION TREATY (PCT)

<b>(51) International Patent Classification <sup>6</sup> :</b> <b>A61K 7/06</b>	<b>A1</b>	<b>(11) International Publication Number:</b> <b>WO 00/06097</b> <b>(43) International Publication Date:</b> 10 February 2000 (10.02.00)
<b>(21) International Application Number:</b> PCT/US98/15852 <b>(22) International Filing Date:</b> 30 July 1998 (30.07.98) <b>(71) Applicant (for all designated States except US):</b> THE PROCTER & GAMBLE COMPANY [US/US]; One Procter & Gamble Plaza, Cincinnati, OH 45202 (US). <b>(72) Inventors; and</b> <b>(75) Inventors/Applicants (for US only):</b> SAKO, Takashi [JP/JP]; 2-3-202, Uozakikitamachi 6-chome, Higashinada-ku, Kobe 658-0082 (JP). COX, Bruce, Russell [US/JP]; 4-8-30, Sumiyoshiyamate, Higashinada-ku, Kobe 658-0063 (JP). <b>(74) Agents:</b> REED, T., David et al.; The Procter & Gamble Company, 5299 Spring Grove Avenue, Cincinnati, OH 45217 (US).		<b>(81) Designated States:</b> AL, AM, AT, AU, AZ, BA, BB, BG, BR, BY, CA, CH, CN, CU, CZ, DE, DK, EE, ES, FI, GB, GE, GH, GM, HR, HU, ID, IL, IS, JP, KE, KG, KP, KR, KZ, LC, LK, LR, LS, LT, LU, LV, MD, MG, MK, MN, MW, MX, NO, NZ, PL, PT, RO, RU, SD, SE, SG, SI, SK, SL, TJ, TM, TR, TT, UA, UG, US, UZ, VN, YU, ZW, ARIPO patent (GH, GM, KE, LS, MW, SD, SZ, UG, ZW), Eurasian patent (AM, AZ, BY, KG, KZ, MD, RU, TJ, TM), European patent (AT, BE, CH, CY, DE, DK, ES, FI, FR, GB, GR, IE, IT, LU, MC, NL, PT, SE), OAPI patent (BF, BJ, CF, CG, CI, CM, GA, GN, GW, ML, MR, NE, SN, TD, TG).  <b>Published</b> <i>With international search report.</i>
<b>(54) Title:</b> HAIR CONDITIONING COMPOSITION COMPRISING CARBOXYLIC ACID/CARBOXYLATE COPOLYMER AND AMPHOTERIC CONDITIONING AGENT  <b>(57) Abstract</b>  Disclosed is a hair conditioning composition comprising: (1) a carboxylic acid/carboxylate copolymer; (2) an amphoteric conditioning polymer; and (3) an aqueous carrier.		

**FOR THE PURPOSES OF INFORMATION ONLY**

Codes used to identify States party to the PCT on the front pages of pamphlets publishing international applications under the PCT.

AL	Albania	ES	Spain	LS	Lesotho	SI	Slovenia
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DK	Denmark	LR	Liberia	SG	Singapore		
EE	Estonia						

## PCT

## INTERNATIONAL PRELIMINARY EXAMINATION REPORT



(PCT Article 36 and Rule 70)

Applicant's or agent's file reference AA333F/JH	<b>FOR FURTHER ACTION</b> See Notification of Transmittal of International Preliminary Examination Report (Form PCT/IPEA/416)	
International application No. PCT/US98/15852	International filing date (day/month/year) 30/07/1998	Priority date (day/month/year) 30/07/1998
International Patent Classification (IPC) or national classification and IPC A61K7/06		
Applicant THE PROCTER & GAMBLE COMPANY et al.		

1. This international preliminary examination report has been prepared by this International Preliminary Examining Authority and is transmitted to the applicant according to Article 36.
2. This REPORT consists of a total of 5 sheets, including this cover sheet.  
  
☒ This report is also accompanied by ANNEXES, i.e. sheets of the description, claims and/or drawings which have been amended and are the basis for this report and/or sheets containing rectifications made before this Authority (see Rule 70.16 and Section 607 of the Administrative Instructions under the PCT).  
  
These annexes consist of a total of 3 sheets.

3. This report contains indications relating to the following items:

- I ☒ Basis of the report
- II ☐ Priority
- III ☐ Non-establishment of opinion with regard to novelty, inventive step and industrial applicability
- IV ☐ Lack of unity of invention
- V ☒ Reasoned statement under Article 35(2) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement
- VI ☐ Certain documents cited
- VII ☒ Certain defects in the international application
- VIII ☒ Certain observations on the international application

Date of submission of the demand  07/02/2000	Date of completion of this report  20.07.00
Name and mailing address of the international preliminary examining authority:   European Patent Office D-80298 Munich Tel. +49 89 2399 - 0 Tx: 523656 epmu d Fax: +49 89 2399 - 4465	Authorized officer  Hillebrecht, D  Telephone No. +49 89 2399 8168  

**INTERNATIONAL PRELIMINARY  
EXAMINATION REPORT**

International application No. PCT/US98/15852

**I. Basis of the report**

1. This report has been drawn on the basis of (*substitute sheets which have been furnished to the receiving Office in response to an invitation under Article 14 are referred to in this report as "originally filed" and are not annexed to the report since they do not contain amendments.*):

**Description, pages:**

1-57 as originally filed

**Claims, No.:**

1-10 as received on 12/07/2000 with letter of 05/07/2000

2. The amendments have resulted in the cancellation of:

- ☐ the description, pages:  
☐ the claims, Nos.:  
☐ the drawings, sheets:

3. ☐ This report has been established as if (some of) the amendments had not been made, since they have been considered to go beyond the disclosure as filed (Rule 70.2(c)):

4. Additional observations, if necessary:

**V. Reasoned statement under Article 35(2) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement**

**1. Statement**

Novelty (N)	Yes:	Claims	1-10
	No:	Claims	
Inventive step (IS)	Yes:	Claims	1-10
	No:	Claims	
Industrial applicability (IA)	Yes:	Claims	1-10
	No:	Claims	



**INTERNATIONAL PRELIMINARY  
EXAMINATION REPORT**

International application No. PCT/US98/15852

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**2. Citations and explanations**

**see separate sheet**

**VII. Certain defects in the international application**

The following defects in the form or contents of the international application have been noted:

**see separate sheet**

**VIII. Certain observations on the international application**

The following observations on the clarity of the claims, description, and drawings or on the question whether the claims are fully supported by the description, are made:

**see separate sheet**

**INTERNATIONAL PRELIMINARY  
EXAMINATION REPORT - SEPARATE SHEET**

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International application No. PCT/US98/15852

Reference is made to the following documents:

- D1: DE 30 44 754 A (L'OREAL) 19 June 1981
- D2: FR-A-2 737 660 (L'OREAL) 14 February 1997
- D3: EP-A-0 797 979 (L'OREAL) 1 October 1997
- D4: FR-A-2 750 047 (L'OREAL) 26 December 1997

V.

1. The present application appears to comply with Article 33(1) to (3) PCT since none of the documents D1 to D4 discloses hair care compositions comprising an copolymer as depicted in present claims 1 and 10.

D1 to D4 show aqueous conditioner comprising a carboxylic/carboxylate copolymer and an amphoteric conditioning polymer. The copolymers used in the present application are, however, neither disclosed nor suggested by said documents.

VII. The description was not adapted to the claims presently on file.

VIII.

1. The vague and imprecise statements in the description on pages 53 and 57 (spirit of the invention) implies that the subject-matter for which protection is sought may be different to that defined by the claims, thereby resulting in lack of clarity (Article 6 PCT) when used to interpret them (see also the PCT Guidelines, III-4.3a).
2. Although claims 1 and 10 have been drafted as separate independent claims, they appear to relate effectively to the same subject-matter and to differ from each other only with regard to the definition of the subject-matter for which protection is sought and in respect of the terminology used for the features of that subject-matter. The aforementioned claims therefore lack conciseness. Moreover, lack of clarity of the claims as a whole arises, since the plurality of independent claims makes it difficult, if not impossible, to determine the matter for which protection is sought, and places an undue burden on others seeking to establish the extent of the protection.

**INTERNATIONAL PRELIMINARY  
EXAMINATION REPORT - SEPARATE SHEET**

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International application No. PCT/US98/15852

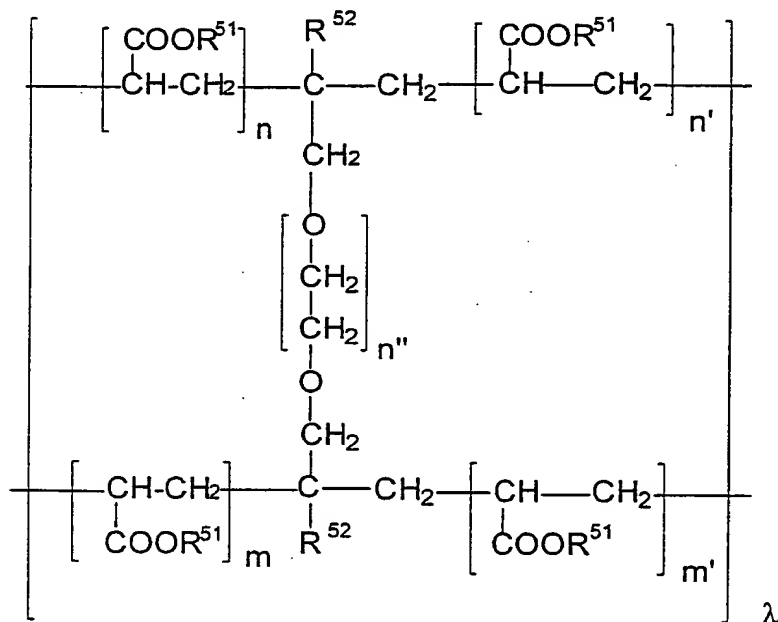
Hence, claims 1 and 10 do not meet the requirements of Article 6 PCT. Claim 10 was not redrafted as a dependent claim.

3. The vague term "about" when used in combination with ranges, as used in the entire specification renders the scope of the claims unclear when used to interpret the claims. See also claims 1 and 10 (Article 6 PCT).

## WHAT IS CLAIMED IS:

1. A hair conditioning composition comprising:
  - (1) ~~an acrylic acid/alkyl acrylate copolymer~~
  - (2) an amphoteric conditioning polymer; and
  - (3) an aqueous carrier.

an acrylic acid/alkyl acrylate copolymer having the following formula:



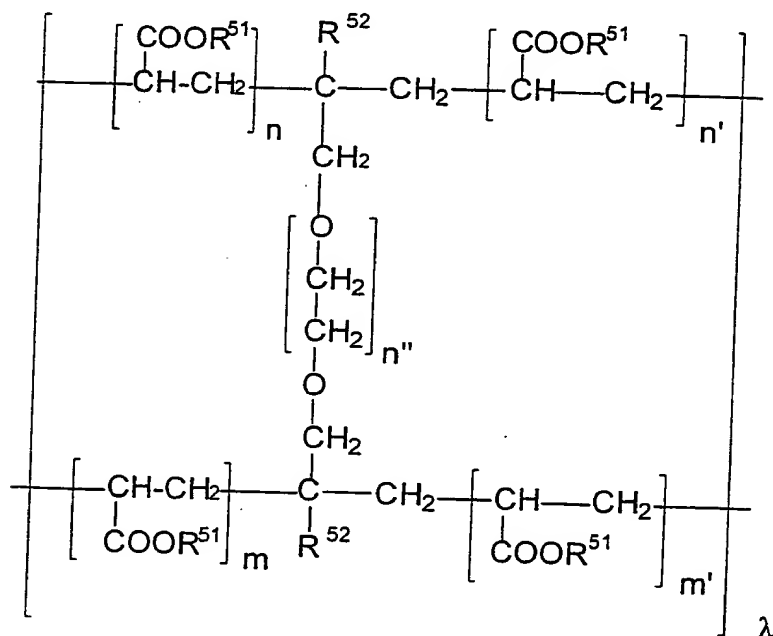
wherein  $\text{R}^{51}$ , independently, is a hydrogen or an alkyl of 1 to 30 carbons wherein at least one of  $\text{R}^{51}$  is a hydrogen,  $\text{R}^{52}$  is as defined above,  $n$ ,  $n'$ ,  $m$  and  $m'$  are integers in which  $n+n'+m+m'$  is from about 40 to about 100,  $n''$  is an integer of from 1 to about 30, and  $\lambda$  is defined so that the copolymer has a molecular weight of about 500,000 to about 3,000,000;

2. The hair conditioning composition according to Claim 1 further comprising a humectant.
3. The hair conditioning composition according to Claim 1 further comprising a silicone conditioning agent.
4. The hair conditioning composition according to Claim 1 further comprising an additional viscosity modifier.
5. The hair conditioning composition according to Claim 1 further comprising a visible particle.
6. The hair conditioning composition according to Claim 1 further comprising a UV absorber.
7. The hair conditioning composition according to Claim 1 further comprising an optical brightener.
8. The hair conditioning composition according to Claim 1 further comprising a herbal extract.
9. The hair conditioning composition according to any of the preceding claims further comprising an additional conditioning agent.

10. A hair conditioning composition comprising by weight:

- (1) from about 0.01% to about 10% of a carboxylic acid/carboxylate copolymer;
- (2) from about 0.01% to about 10% of an amphoteric conditioning polymer;
- (3) from about 0.1% to about 20% of a humectant;
- (4) from about 0.1% to about 60% of a silicone compound;
- 5 (5) from about 0.01% to about 10% of an additional viscosity modifier; and
- (6) an aqueous carrier.

an acrylic acid/alkyl acrylate copolymer having the following formula:



wherein  $\text{R}^{51}$ , independently, is a hydrogen or an alkyl of 1 to 30 carbons wherein at least one of  $\text{R}^{51}$  is a hydrogen,  $\text{R}^{52}$  is as defined above,  $n$ ,  $n'$ ,  $m$  and  $m'$  are integers in which  $n+n'+m+m'$  is from about 40 to about 100,  $n''$  is an integer of from 1 to about 30, and  $\lambda$  is defined so that the copolymer has a molecular weight of about 500,000 to about 3,000,000;

# INTERNATIONAL SEARCH REPORT

Int. l. Application No

PCT/US 98/15852

## A. CLASSIFICATION OF SUBJECT MATTER

IPC 6 A61K7/06

According to International Patent Classification (IPC) or to both national classification and IPC

## B. FIELDS SEARCHED

Minimum documentation searched (classification system followed by classification symbols)

IPC 6 A61K

Documentation searched other than minimum documentation to the extent that such documents are included in the fields searched

Electronic data base consulted during the international search (name of data base and, where practical, search terms used)

## C. DOCUMENTS CONSIDERED TO BE RELEVANT

Category *	Citation of document, with indication, where appropriate, of the relevant passages	Relevant to claim No.
X	DE 30 44 754 A (L'OREAL) 19 June 1981  see claims 1,2,4,5,10,13,16 see page 20, paragraph 1 see page 24, paragraph 4 see page 25, paragraph 1 see page 26, paragraph 4	1,2,4-6, 8
X	FR 2 737 660 A (L'OREAL) 14 February 1997  see claims 1,3,5,7,10,12 see page 19, line 14-21 see page 20, line 15-27	1-6,8-10
	-/--	

☒ Further documents are listed in the continuation of box C.

☒ Patent family members are listed in annex.

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"A" document defining the general state of the art which is not considered to be of particular relevance

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"L" document which may throw doubts on priority claim(s) or which is cited to establish the publication date of another citation or other special reason (as specified)

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"X" document of particular relevance; the claimed invention cannot be considered novel or cannot be considered to involve an inventive step when the document is taken alone

"Y" document of particular relevance; the claimed invention cannot be considered to involve an inventive step when the document is combined with one or more other such documents, such combination being obvious to a person skilled in the art.

"&" document member of the same patent family

Date of the actual completion of the international search

27 April 1999

Date of mailing of the international search report

06/05/1999

Name and mailing address of the ISA

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Fax: (+31-70) 340-3016

Authorized officer

Peeters, J

# INTERNATIONAL SEARCH REPORT

Int. Patent Application No.

PCT/US 98/15852

## C.(Continuation) DOCUMENTS CONSIDERED TO BE RELEVANT

Category *	Citation of document, with indication, where appropriate, of the relevant passages	Relevant to claim No.
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X	FR 2 750 047 A (L'OREAL) 26 December 1997 see claims 1,5,10,15 see page 5, line 21 - page 7, line 37	1,8,9



# INTERNATIONAL SEARCH REPORT

information on patent family members

International Application No

PCT/US 98/15852

Patent document cited in search report	Publication date	Patent family member(s)	Publication date
DE 3044754 A	19-06-1981	FR 2486394 A AT 378912 B AT 580780 A BE 886372 A CA 1158560 A CH 650669 A DE 3051202 C DK 100292 A DK 507680 A GB 2088209 A,B JP 1823923 C JP 3021524 B JP 56092813 A JP 1188547 A JP 3075526 B NL 8006460 A SE 461131 B SE 8008333 A US 4402977 A	15-01-1982 25-10-1985 15-03-1985 27-05-1981 13-12-1983 15-08-1985 14-05-1992 10-08-1992 29-05-1981 09-06-1982 10-02-1994 22-03-1991 27-07-1981 27-07-1989 02-12-1991 01-07-1981 15-01-1990 29-05-1981 06-09-1983
FR 2737660 A	14-02-1997	AT 162395 T AU 682639 B AU 6077696 A BR 9604089 A CA 2183098 A CN 1145777 A DE 69600153 D DE 69600153 T EP 0761199 A ES 2115417 T HU 9602200 A JP 9118603 A PL 315617 A	15-02-1998 09-10-1997 27-02-1997 16-06-1998 12-02-1997 26-03-1997 26-02-1998 30-04-1998 12-03-1997 16-06-1998 28-04-1997 06-05-1997 17-02-1997
EP 797979 A	01-10-1997	FR 2747036 A AT 170739 T AU 704016 B AU 1773697 A BR 9700517 A CA 2201958 A CN 1172640 A DE 69700024 D DE 69700024 T ES 2124638 T JP 10036234 A PL 319290 A	10-10-1997 15-09-1998 01-04-1999 11-12-1997 03-11-1998 05-10-1997 11-02-1998 15-10-1998 28-01-1999 01-02-1999 10-02-1998 13-10-1997
FR 2750047 A	26-12-1997	NONE	